

AMENDED IN SENATE SEPTEMBER 5, 2007

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JULY 2, 2007

AMENDED IN ASSEMBLY MAY 7, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 920

Introduced by Assembly Member Brownley

February 22, 2007

An act to add Section 146g to the Penal Code, relating to crime information.

LEGISLATIVE COUNSEL'S DIGEST

AB 920, as amended, Brownley. Crime information: disclosure: consideration.

Existing law prohibits the dissemination or disclosure of certain personal information of peace officers, as specified.

~~This bill would make the disclosure, exchange, or the solicitation of the exchange of information, the disclosure of which is otherwise prohibited by law, obtained by certain persons in the course of a criminal investigation in return for financial gain a misdemeanor punishable by a fine, as specified. This provide that certain persons who, for financial gain, disclose or solicit the exchange of information obtained in the course of a criminal investigation, with the knowledge that the disclosure of the information is prohibited, as specified, would be guilty of a misdemeanor punishable by a fine not exceeding \$1,000. The bill would also provide that those same certain persons who, for financial gain, solicit or sell any photograph or video taken without authorization~~

inside a law enforcement or court facility, as specified, would be guilty of a misdemeanor punishable by a fine not exceeding \$1,000. The bill would also make the solicitation of the exchange of information, the disclosure of which is otherwise prohibited by law, obtained by certain persons in the course of a criminal investigation in return for financial gain a misdemeanor punishable by a fine, as specified provide that any person who, for financial gain, solicits any of those certain persons to disclose information obtained in the course of a criminal investigation, the disclosure of which is prohibited, or who, for financial gain, solicits any of those certain persons to disclose any photograph or video taken without authorization inside a law enforcement or court facility, as specified, would be guilty of a misdemeanor punishable by a fine not exceeding \$1,000. In addition, this bill would make the solicitation or selling of any photograph or video taken inside any secure area of a law enforcement or court facility, the taking of which was not authorized by the law enforcement or court facility administrator, in exchange for financial gain a misdemeanor punishable by a fine, as specified. This The bill would also require, upon conviction, the forfeiture of monetary compensation received for the exchange of information commission of any of the offenses described above, as specified.

Because this bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) A fair and just criminal justice system and
- 2 the public's faith and trust in the administration of California's
- 3 criminal justice system is necessary for an orderly and law-abiding
- 4 society.
- 5 (b) The public demands that the integrity of peace officers,
- 6 officers of the court, and court employees be above reproach. Peace
- 7 officers, court officers, and court employees must, therefore, avoid
- 8 any conduct that might compromise their integrity and thus

1 undercut the public's confidence in California's criminal justice
2 system.

3 (c) Peace officers, officers of the court, and court employees
4 must not receive private or special advantage from their official
5 status by selling or furnishing information gathered during the
6 scope of a criminal investigation or from access to a secure law
7 enforcement or court facility.

8 (d) Members of the public have a right to security and privacy,
9 and information obtained about them must not be improperly
10 divulged.

11 (e) Peace officers, officers of the court, or court employees who
12 sell confidential information obtained during the course of a law
13 enforcement investigation reduce the public's confidence and faith
14 in our criminal justice system.

15 SEC. 2. Section 146g is added to the Penal Code, to read:

16 146g. (a) Any peace officer, as defined in Chapter 4.5
17 (commencing with Section 830) of Title 3 of Part 2, ~~an any~~
18 employee of a law enforcement agency, ~~an any~~ attorney as defined
19 in Section 6125 of the Business and Professions Code employed
20 by a governmental agency, or any trial court employee as defined
21 in Section 71601 of the Government Code, who does either of the
22 following is guilty of a misdemeanor punishable by a fine not to
23 exceed one thousand dollars (\$1,000):

24 (1) ~~Discloses information, for financial gain, information~~
25 ~~obtained in the course of a criminal investigation, the disclosure~~
26 ~~of which is otherwise prohibited by law, obtained in the course of~~
27 ~~a criminal investigation in exchange for financial gain..~~

28 (2) ~~Solicits the exchange of information, for financial gain, the~~
29 ~~exchange of information obtained in the course of a criminal~~
30 ~~investigation, the disclosure of which is otherwise prohibited by~~
31 ~~law, obtained in the course of a criminal investigation financial~~
32 ~~gain..~~

33 (b) Any person who solicits any other person described in
34 subdivision (a) ~~to disclose information, the disclosure of which is~~
35 ~~otherwise prohibited by law, obtained in the course of a criminal~~
36 ~~investigation for financial gain for the financial gain of the person~~
37 ~~described in subdivision (a) to disclose information obtained in~~
38 ~~the course of a criminal investigation, with the knowledge that the~~
39 ~~disclosure is prohibited by law, is guilty of a misdemeanor,~~
40 punishable by a fine not to exceed one thousand dollars (\$1,000).

1 (c) (1) Any person described in subdivision (a) who, *for*
2 *financial gain*, solicits or sells any photograph or video taken inside
3 any secure area of a law enforcement or court facility, the taking
4 of which was not authorized by the law enforcement or court
5 facility administrator, ~~for financial gain~~ is guilty of a misdemeanor
6 punishable by a fine not to exceed one thousand dollars (\$1,000).

7 (2) Any person who solicits any person described in subdivision
8 (a) *for financial gain to the person described in subdivision (a)* to
9 disclose any photograph or video taken inside any secure area of
10 a law enforcement or court facility, the taking of which was not
11 authorized by the law enforcement or court facility administrator,
12 ~~for financial gain~~, is guilty of a misdemeanor punishable by a fine
13 not to exceed one thousand dollars (\$1,000).

14 (d) Upon conviction of, and in addition to, any other penalty
15 prescribed by this section, the defendant shall forfeit any monetary
16 compensation received in *the commission of a* violation of this
17 section and the money shall be deposited in the Victim Restitution
18 Fund.

19 (e) Nothing in this section shall apply to officially sanctioned
20 information, photographs, or video, or to information, photographs,
21 or video obtained or distributed pursuant to the California
22 Whistleblower Protection Act or the Local Government Disclosure
23 of Information Act.

24 (f) This section shall not be construed to limit or prevent
25 prosecution pursuant to any other applicable provision of law.

26 SEC. 3. No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
34 Constitution.